

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC

Defendant.

Civil Action No.: 1:19-cv-12551 FDS

**DEFENDANT’S ASSENTED TO MOTION
TO IMPOUND PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 74-1, Defendant Google LLC (“Google”) respectfully requests that this Court impound (seal) (i) certain exhibits to the Declaration of Anna Porto in Support of Defendant Google LLC’s Motion to Compel (ECF No. 118) (“the Porto Declaration”) and (ii) portions of Defendant Google LLC’s Memorandum of Law in Support of Its Motion to Compel. The exhibits to be sealed are identified below.

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain information that is “confidential, proprietary, and/or commercially sensitive information.” Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to “Confidential” information bring a motion to impound. *Id.* ¶ 14. The following exhibits to the Porto Declaration contain documents that Singular has designated as containing confidential information:

- **Exhibit 20**, a copy of documents numbered SINGULAR-00003903, SINGULAR-00004086, and SINGULAR-00011935, and produced in this litigation.

- **Exhibit 21**, a copy of a document numbered SINGULAR-00004320 - SINGULAR-00004324 and produced in this litigation.
- **Exhibit 22**, a copy of a document numbered SINGULAR-00006430 and produced in this litigation.
- **Exhibit 23**, a copy of a document numbered SINGULAR-00005112 and produced in this litigation.
- **Exhibit 24**, a copy of a document numbered SINGULAR-00003275 and produced in this litigation.
- **Exhibit 25**, a copy of a document numbered SINGULAR-00003276 and produced in this litigation.
- **Exhibit 26**, a copy of a document numbered SINGULAR-00004377 - SINGULAR-00004388 and produced in this litigation.
- **Exhibit 27**, a copy of a document numbered SINGULAR-00004345 - SINGULAR-00004351 and produced in this litigation

Google's Memorandum of Law in Support of its Motion to Compel quotes from and discusses these confidential exhibits. Submission of the above-identified confidential documents is thus necessary to permit the Court to fully evaluate the issues raised in Google's Motion to Compel. Google therefore brings this Motion to Impound to impound both the above-identified exhibits and those portions of Google's Memorandum of Law that quote from or discuss the confidential information contained within those exhibits. A redacted, public version of Google's Memorandum of Law in Support of its Motion to Compel will be filed concurrently with this motion.

For the foregoing reasons, Google respectfully requests that the Court permit it to file (i) the above-identified exhibits under seal and (ii) those portions of Google's Memorandum of Law in Support of its Motion to Compel that quote from and discuss these exhibits because Singular has taken the position that the documents contains confidential business information. Google further requests that the documents remain impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Google's counsel.

Respectfully submitted,

Dated: January 14, 2021

By: /s/ Nathan R. Speed

Gregory F. Corbett (BBO #646394)
gregory.corbett@wolfgreenfield.com

Nathan R. Speed (BBO # 670249)
nathan.speed@wolfgreenfield.com

Elizabeth A. DiMarco (BBO #681921)
elizabeth.dimarco@wolfgreenfield.com
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone: (617) 646-8000
Fax: (617) 646-8646

Robert Van Nest (*admitted pro hac vice*)
rvannest@keker.com
Matthias Kamber (*admitted pro hac vice*)
mkamber@keker.com
Michelle Ybarra (*admitted pro hac vice*)
myabarra@keker.com
Jay Rapaport (*admitted pro hac vice*)
jrapaport@keker.com
Andrew Bruns (*admitted pro hac vice*)
abruns@keker.com
Anna Porto (*admitted pro hac vice*)
aporto@keker.com
Deeva Shah (*admitted pro hac vice*)
dshah@keker.com
KEKER, VAN NEST & PETERS LLP
633 Battery Street
San Francisco, CA 94111-1809
(415) 391-5400

Michael S. Kwun (*admitted pro hac vice*)
mkwun@kblfirm.com
Asim Bhansali (*admitted pro hac vice*)
abhansali@kblfirm.com
KWUN BHANSALI LAZARUS LLP
555 Montgomery Street, Suite 750 San
Francisco, CA 94111
(415) 630-2350
Counsel for Defendant Google LLC

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Nathan R. Speed, counsel for Defendant, hereby certifies that I conferred with Plaintiff's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Plaintiff's counsel informed me that Plaintiff assents to the relief sought in this motion.

/s/ Nathan R. Speed
Nathan R. Speed

CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing pleading was served upon the attorneys of record for all parties by electronically filing the foregoing pleading with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to registered attorneys of record.

Dated: January 14, 2021

/s/ Nathan R. Speed
Nathan R. Speed